04 08.11.2019 Heard Mr. G. Padhi, learned counsel for the petitioner and Mr. S. Mishra, learned Additional Government Advocate for the State opposite parties.

In assailing the impugned order under Annexure-5, learned counsel for the petitioner raises a preliminary objection that since the order in OSATIP Case No. 108/97 was passed on 22.01.1998 under the Regulation-II, 1956, in granting of a permission for sale of a property by a Tribe a proceeding under Section 3 (a) (1) ought to have been initiated within five years from the date of grant of the permission and as the proceeding involving OSATIP Review-Case No. 12/2004 was initiated in the year 2004, the same was beyond the limitation prescribed for the purpose and consequently, Sri Padhy, learned counsel contended that the proceeding itself was not maintainable.

Learned Additional Government Advocate on his appearance contended that for the reasons assigned in the review order, there is a clear case of violation of the provision contained in the Regulation-II, 1956 and for which, prays for not interfering with the impugned order.

Considering the rival contentions of the parties and on perusal of the documents vide Annexure-I, this Court finds the OSATIP Case No. 108/97 was filed seeking permission for sale of the land indicated therein by a tribe the vendor of the petitioner and the same was considered and allowed on 22.01.1998, whereas looking to the year of the proceeding vide OSATIP Review Case

No. 12/2004 there is no doubt that this proceeding contained in Section 3 (a) (i) of the Regulation-II, 1956. A proceeding of this nature was required to be undertaken within five years.

From the above, this Court finds the submission of the learned counsel for the petitioner has legal force and consequently, while interfering in the impugned order under Annexure-5 to this petition so far it relates to the permission case No. 108/97 and OSATIP Review Case No. 12/2004, this Court set aside the same.

No cost.

With the above observation and direction, the writ petition stands disposed of.

In view of disposal of this petition, interim order passed earlier stands vacated and all the pending misc. cases arising out of this petition stands disposed of accordingly.

Alok

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(DR. B.R. SARANGI)
JUDGE